

on the motion to dismiss. Plaintiff's request for *pro bono* counsel is **DENIED without prejudice**.¹

Plaintiff may renew his request for counsel if the case survives Defendants' motion to dismiss.

Filings by a *pro se* party must be sent to the Pro Se Intake Unit by email (Temporary_Pro_Se_Filing@nysd.uscourts.gov), regular mail, or in-person delivery at the drop box at the Daniel Patrick Moynihan Courthouse (500 Pearl Street, New York, NY 10007). Instructions are available at <https://nysd.uscourts.gov/forms/instructions-filing-documents-email> and <https://www.nysd.uscourts.gov/prose>. **Plaintiff should NOT email filings to Chambers directly and is advised to limit his filing of sensitive personal information and documents to those necessary and relevant to this litigation.**

Defendants are directed to serve a copy of this Order on Plaintiff and file proof of service on the docket by June 18, 2021.

Dated: June 15, 2021
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge

¹ In a civil case, such as this, the Court cannot actually "appoint" counsel for a litigant. Instead, the Court may only "request" that an attorney volunteer to represent a litigant. *Mallard v. U.S. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296, 301–310 (1989); see *Hodge v. Police Officers*, 802 F.2d 58, 61-62 (2d Cir. 1986) (setting forth factors a court should consider in deciding whether to request *pro bono* counsel). Therefore, even when the Court exercises its discretion to seek *pro bono* representation for a civil litigant, there is no guarantee that an attorney will actually ever volunteer to take the case, and a lengthy period of time may pass before an attorney volunteers. The Court often orders that the litigation progress at a normal pace and directs the litigant to be prepared to proceed without counsel. See, e.g., *Liverpool v. Davis*, No. 17-cv-3875 (KPF), 2021 WL 601653, at *2 (S.D.N.Y. Jan. 29, 2021).